



# THOMAS AMBROSIO

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May 7, 2024

Via ECF

Honorable Mary Kay Vyskocil  
United District Court  
Southern District of New York 500 Pearl Street  
New York, NY 10007

Re: *United States v. Henry Jones*, 21-cr-570 (MKV)

### Sentencing Memorandum

*Henry Jones is a great person. He was severely misguided as a child which is the reason he is in this situation. Henry Jones was raised in an environment where all the adults who were supposed to be role models in his life were involved in the streets and all he knew was street activities because that is unfortunately all that he saw being raised in the South Bronx. It is difficult for a child to know any better when all he sees is negative things.*

Letter from Jennifer Jensen, Henry Jones's girlfriend

The situation referred to above by Henry Jones's girlfriend is the fact that he is about to be sentenced for (1) participating in a RICO conspiracy which resulted in the murder of Darren Scruggs and the sale of crack cocaine in the Bronx, and (2) for discharging a firearm with the intent to kill a rival gang member. Mr. Jones pled guilty to those crimes pursuant to a Plea Agreement with a Stipulated Guidelines Range of 292 to 360 months' imprisonment. Probation calculated his guidelines range to be 324 -360 months; however, it recommended a downward variance and a sentence of 240 months imprisonment, followed by three years of supervised release. Based upon the nature and circumstances of the offenses and Mr. Jones's history and characteristics, I agree that a sentence of no more than 240 months would be sufficient, but not greater than necessary to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a) which are the need:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and

- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

#### Offense Conduct

Mr. Jones was a member of the ABG gang based in the Bronx. He does not hide from the fact that as a member of the ABG gang he participated in extreme acts of violence and the sale of drugs. Specifically, he admitted to and accepted responsibility for being a participant, but not the shooter, in the murder of Darren Scruggs, for being the shooter in an attempted murder of a rival gang member and for selling crack cocaine.

Three of the defendants in this case were charged with the murder of Mr. Scruggs. Mr. Jones was the first of those three defendants to take responsibility for his conduct by pleading guilty. I believe that his early acceptance of responsibility influenced his co-defendants Roberto Espinosa and Daivon Morgan to also accept responsibility for their respective roles in the murder of Mr. Scruggs and in the RICO conspiracy. Mr. Jones has deep remorse for the harm he inflicted upon the victims of his crimes and for the general harm his participation in the ABG gang caused in the Bronx.

Mr. Jones recognizes that his conduct was inexcusable. He has no justification for his actions. This submission is intended to provide the Court with context of Mr. Jones's life history in an attempt to explain how a young man, with innately good characteristics, made adult decisions which resulted in extremely bad consequences.

#### Henry Jones's Personal History

Henry Jones asks that he be defined by his complete personal history and character, rather than solely by the crimes he committed. The sentence imposed upon him should reflect his many good qualities, some of which are described in the attached letters of support from his family and friends. His sentence should also reflect the fact that he has the potential to lead a meaningful and productive life once he completes his prison sentence. If those factors are taken into consideration, it is hoped that the Court will also agree that a sentence of no more than 240 months' imprisonment would be a sufficient sentence.

A twenty-year prison sentence would adequately punish and deter to Mr. Jones from committing additional crimes; it would adequately deter others from committing similar crimes. Just as important, a twenty-year sentence of imprisonment would afford him more than ample opportunity to further his education and receive training that will prepare him to find meaningful, legitimate employment once released. During one of my visits with Mr. Jones we were discussing his plans for the future and he said *I am determined to be a successful individual*. Since his incarceration at the MDC which began on January 17, 2022, he has completed 58 hours of educational courses including: Weight Management, Columbia University – "Oedipus"; Basketball Referee Officiating; Diabetes, Basic Bookkeeping and Business Acumen.

Mr. Jones turned himself into authorities because he knew he had committed a crime and was mentally prepared to pay his debt to society. He knew that he deserved to be punished; he never seriously considered taking his case to trial, further support for the proposition that Mr.

Jones accepted responsibility for his actions at the early phase of his case.

### Henry Jones VI – the Early Years

Henry's first memories of his father is when he would visit him in prison. His father, Henry Jones V was sentenced to 20-years in prison when Henry was only 3 years old. Henry's mother soon moved on from her relationship with Henry's father, not a totally unexpected consequence of the 20-year prison sentence. Once that happened, Henry never developed any relationship with his father, not a good thing for a child's development. Henry's mother moved Henry and two of his siblings to a shelter in the Bronx. The family lived in the shelter until his mother married Jesse Torres.

Mr. Torres became a father figure to Henry. Mr. Torres encouraged Henry to play basketball, a sport at which Henry loved and excelled. Unfortunately for Henry, his mother and Mr. Torres ended their marriage after about six years. After the breakup Henry's mother moved the family to the Bronx. Th breakup of the marriage and the move to the Bronx was the catalyst that began Henry's downward spiral that ultimately landed him in the MDC Brooklyn awaiting a sentence that will ensure he is behind bars for many years.

Attached to this sentencing submission is a Mitigation Report prepared by mitigation specialist Carmeta Albarus. Ms. Albarus's report provides a detailed social history of Mr. Jones life. The report clearly establishes that Henry had a far from idyllic upbringing. He was an abused child; his mother "was abusive and would beat him for any given infraction" He suffered from enuresis until he was 15 years old. Instead of a comforting mother's touch he would get beaten after she discovered that Henry had wet his bed. Imagine the trauma Henry experiences when his mother forced him to lie to investigators from Administration for Children's Services who came to the home to investigate potential allegations of child abuse - *If you say yes,[if asked did your mother hit you] they will take you away and you may never see your sister again.*

The circumstances of Henry's upbringing give some insight into why he gravitated to the gang when he was 14 years old. The gang *seemingly* offered him what he was not getting at home, protection, security, and loyalty. Henry did not join the gang because he was a bad person because the truth is Henry was not a bad fourteen-year-old child. The influence of the gang caused Henry to do bad things; however, it did not change Henry into a bad person. Henry's current girlfriend describes him as *a great person*. It is Henry's true essence that justifies why he should be given a sentence of no more than 240 months.

### Henry's Capacity to Forgive

Forgiveness is admirable quality for one to possess because it forces a person to focus on the positive in others; it allows a person achieve redemption. Henry is instilled with a great capacity for forgiveness. A prime example of his capacity to forgive is apparent in his relationship with his mother. Despite his mistreatment by his mother as a child, today he has a strong and loving relationship with her. The strength of that relationship is established by the fact that his mother attended every court appearance Henry had to make in this case.

The take away from Henry's ability to forgive is that is proves he is a good person. He has

every right to be bitter about his upbringing and the choices that he made, but he is not. He has an exceedingly positive attitude about life, despite his current situation. Positive people are more apt to commit positive acts and not harm others. Henry's ability to forgive is a mitigating factor that should be used by the Court to justify a downward variance and a sentence of no more than 240 months imprisonment

Personal Reflections Upon Henry Jones

The following excerpts are from letters of support written by family and friends of Henry Jones. The authors of these letters are people who have interacted with Henry more than anyone else, these reflections are from people who know Henry best. These letters offer proof of Henry's good qualities.

*Everyone claims there are good and bad people in the world, but realistically everyone has good and bad in them...In life everyone makes mistakes. My brother Henry is a good and bad person, just like everyone else and growing up we had regular sibling fights...but Henry always apologized to me first, no matter if I was right or wrong...I know he is getting in a better mindset and trying to be hopeful. The last time I spoke to him he told me he was in school and reading more books.*

Ja-Niya Torres, Henry's sister

*I truly believe and know that when he gets out he will be getting a job and will be a positive role model for our son. I am still in a relationship with Henry because I know how apologetic he is...*

Jennifer Jensen, Henry's girlfriend

*Henry is a good man to us, he protects his family...when we found out I was pregnant with our daughter he was excited and he was there every step of the way, especially when I had to stay in the hospital for a whole month before giving birth to our daughter early she was born premature we had to visit with her every day in the hospital...*

Elijahlyn Wilson, mother of Henry's oldest child

*I have known Henry Jones since he was born...I wanted to tell you how proud I have been of Henry. As he got older, he never changed. He remained so loving, caring and he was loved by anyone who met him. If you ever got to see him smile you will see what we have all known to love. And once he became a father, it just showed more and more.*

Celia Luzcando, family friend

*Everyone loved Henry! His teachers, my family and my closest friends love Henry. Anyone that encounters him falls in love with him...I really feel that moving to the Bronx was a terrible mistake and I think that is where I lost my son...My children mean the world to me...I took care of them the best way I know how.*

Jessica Rivera, Henry's mother

During my legal visits with Mr. Jones, we often discussed the things he needs to do in order to be successful and to avoid returning to prison once he is finished with his sentence. Based upon my constantly reminding him of the consequences of his being convicted of a future crime, he is now keenly aware that he could end up spending the rest of his life in prison if he breaks the law again. He is committed to never committing another crime. This change in attitude is also alluded to in his Mitigation Report where Ms. Albarus writes, *Henry has reached a stage in his life where he finds solace in the fact that he is better able to refocus his life on how best he can be there for his children and his loved ones...Despite the harsh conditions that he faces at the MDC however he is thankful for the support he receives from his mother, and his fiancé, Jennifer Jensen, who sees to it that he has regular contact with his son.*

Conclusion

For the reasons set forth above the Court is asked to sentence Mr. Jones to no more than 240 months in prison.

Respectfully yours,

/s/Thomas Ambrosio  
Thomas Ambrosio

cc: Henry Jones (via regular mail)